

IN RE: PETITION FOR ZONING VARIANCE
SE/Corner Overlook Drive and
Eastlake Road
(305 Overlook Drive)
8th Election District
4th Councilmanic District
Kirvan H. Pierson, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-177-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 35 feet in lieu of the required 50 feet, a setback of 60 feet from the street centerline in lieu of the required 75 feet, and a rear yard setback of 42 feet in lieu of the required 50 feet for an existing dwelling, in accordance with Petitioner's Exhibit 2, be and is hereby GRANTED, from and after the date of this Order.

JRH:bjs

The Petitioners appeared, testified and were represented by William E. Hammond, Esquire and Gregory E. Hammond, Esquire. There were no Protestants.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

DESCRIPTION FOR 305 Overlook Drive

Being known and designated as Lot 152, Section 4, as shown on the Plat of Pot Spring, which Plat is recorded among the Plat Records of Baltimore County in Plat Book G.L.B. No. 25, folio 51.

The improvements thereon being known as 305 Overlook Drive.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: FEH Date of Posting: 10/25/88
Posted to: Variance
Petitioner: Kirvan H. Pierson, et ux
Location of property: SE/Corner Overlook Drive & Eastlake Drive
305 Overlook Drive
Location of Sign: Front of Lot, 305 Overlook Drive
near Pot Spring
Remarks: See Petition
Posted by: John H. Pierson Date of return: 10/28/88
Number of Signs: 1

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 17th day of November, 1988 that the Petition for Zoning Variance to permit a side yard setback of 35 feet in lieu of the required 50 feet, a setback of 60 feet from the street centerline in lieu of the required 75 feet, and a rear yard setback of 42 feet in lieu of the required 50 feet for an existing dwelling, in accordance with Petitioner's Exhibit 2, be and is hereby GRANTED, from and after the date of this Order.

JRH:bjs

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date: 10/25/88
By: John H. Pierson

CERTIFICATE OF PUBLICATION

TOWSON, MD., Oct 24, 1988
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Oct 20, 1988.

THE JEFFERSONIAN,

price 45.00 9 off
PO 05211
Reg M20368
Case # 89-177-A

CERTIFICATE OF PUBLICATION

TOWSON, MD., October 28, 1988
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on October 26, 1988.

THE JEFFERSONIAN,

PO 05211
Reg M20368
case 89-177-A
price \$64.03 TT

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333
J. Robert Haines
Zoning Commissioner

November 17, 1988

William E. Hammond, Esquire
Gregory E. Hammond, Esquire
Turnbull, Mix & Farmer
706 Washington Avenue
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE
SE/Corner Overlook Drive and Eastlake Road
(305 Overlook Drive)
8th Election District - 4th Councilmanic District
Kirvan H. Pierson, et ux - Petitioners
Case No. 89-177-A

Dear Messrs. Hammond:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: People's Counsel
File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333
J. Robert Haines
Zoning Commissioner

Date: 10/27/88

Mr. & Mrs. Kirvan H. Pierson
305 Overlook Road
Baltimore, Maryland 21093

Re: Petition for Zoning Variance
CASE NUMBER: 89-177-A
SEC Overlook Drive and Eastlake Drive
(305 Overlook Drive)
8th Election District - 4th Councilmanic
District
Petitioner(s): Kirvan H. Pierson, et ux
HEARING SCHEDULED: THURSDAY, NOVEMBER 10, 1988 at 2:00 p.m.*

Dear Mr. & Mrs. Pierson:

Please be advised that \$24.03 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 059005
DATE: 11/10/88 ACCOUNT: R-01-815-000

AMOUNT \$ 124.03
RECEIVED FROM: Kirvan H. Pierson

FOR: Posting and Advertising 11/10/88 Hearing

6 B11*****12403: a = 89-177-A

VALIDATION OR SIGNATURE OF CARRIER
DATE: 11/10/88 TIME: 11:00 ADDRESS: TOWSON, MD.

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-177-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 302.3 to provide for a side yard of 35 feet from side lot line along the side street in lieu of the required 50 feet and to provide for 60 feet from the center line of the street in lieu of the required 75 feet, each measured from the building line along the side street and to allow a rear yard setback of 42 feet in lieu of the required 50 feet.

The existing improvement, known as 305 Overlook Road, was apparently constructed about 1974 as presently shown on attached location survey and has existed since that date without any additions being made thereto. To require demolition of the dwelling encroaching in the required side yard set back required at the time of its original construction would result in practical difficulty or unreasonable hardship.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: _____ Legal Owner(s): _____
(Type or Print Name) Kirvan H. Pierson
(Type or Print Name) (Type or Print Name)
Signature: _____ Signature: _____
Address: _____ Address: _____
City and State: _____ City and State: _____

Attorney for Petitioner: _____
William E. Hammond, Gregory E. Hammond, 305 Overlook Road
(Type or Print Name) (Type or Print Name) Baltimore, Maryland 21093
Signature: _____ City and State: _____
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Towson, Maryland 21204 Mr. and Mrs. Kirvan H. Pierson
City and State: _____ Name: _____

Attorney's Telephone No.: 833-1322 or 825-1517 305 Overlook Road
Baltimore, Maryland 21093
ORDERED By: The Zoning Commissioner of Baltimore County, this 17th day of November, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 10th day of November, 1988, at 2 o'clock P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333
J. Robert Haines
Zoning Commissioner

October 5, 1988

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 89-177-A
SEC Overlook Drive and Eastlake Drive
(305 Overlook Drive)
8th Election District - 4th Councilmanic
District
Petitioner(s): Kirvan H. Pierson, et ux
HEARING SCHEDULED: THURSDAY, NOVEMBER 10, 1988 at 2:00 p.m.*
Variance to provide for a sideyard of 35 feet from side lot line along the side street in lieu of the required 50 feet and to provide for 60 feet from the center line of the street in lieu of the required 75 feet, each measured from the building line along the side street, and to allow a rear yard setback of 42 feet in lieu of the required 50 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of Baltimore County
cc: Kirvan H. Pierson, et ux
William E. Hammond, Esq.
File

IF PHASE II OF THE SHOW EMERGENCY PLAN IS IN EFFECT IN BALTIMORE COUNTY BY 8:30 a.m. ON THE DATE OF THE ABOVE HEARING, SUCH HEARING WILL BE POSTPONED AND TENTATIVELY RESCHEDULED FOR THURSDAY, DECEMBER 22, 1988. PLEASE TELEPHONE DOCKET CLERK AT 494-3391 TO CONFIRM DATE.



THIS DEED, Made this 27th day of February, in the year one thousand nine hundred and Sixty-eight, by and between The Maryland Title Guarantee Company, a body corporate of the State of Maryland, party of the first part, and Herbert W. Coale and Dora M. Coale, his wife, parties of the second part.

WITNESSETH, That in consideration of the sum of five (\$5.00) dollars and other good and valuable considerations, receipt whereof is hereby acknowledged; the said The Maryland Title Guarantee Company, does hereby grant and convey unto the said Herbert W. Coale and Dora M. Coale, his wife as tenants by the entireties, their assigns, the survivor of them and the heirs and assigns, of the survivor in fee simple all that lot of ground and improvements situate lying and being in the 8th Election District of Baltimore County, State of Maryland and described as follows:

BEING known and designated as Lot No. 152, as shown on a Plat of Section 4 Pot Spring, which Plat is recorded among the Land Records of Baltimore County in Plat Book G.L.B. No. 25, folio 51. The improvements thereon being known as No. 305 Overlook Drive.

BEING the same lot of ground which by Deed dated October 30, 1967 and recorded among the Land Records of Baltimore County in Liber O.T.G. No. 4820, folio 717 was granted and conveyed by Samuel P. Waddill, III and wife to the said The Maryland Title Guarantee Company.

TOGETHER with the buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging or in anywise appertaining.

TO HAVE AND TO HOLD the said lot of ground and premises unto and to the use of the said parties of the second part, as tenants by the entireties; their assigns, the survivor of them and the survivor's heirs and assigns, in fee simple forever.

AND the said party of the first part hereby covenants that it has not done nor suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that it will warrant specially the property hereby granted and conveyed, and that it will execute such further assurances of said land as may be requisite.

AS WITNESS the corporate seal of The Maryland Title Guarantee Company, and the hand of JAMES W. LEYKO Vice President.

PETITIONER'S

WITNESSES:

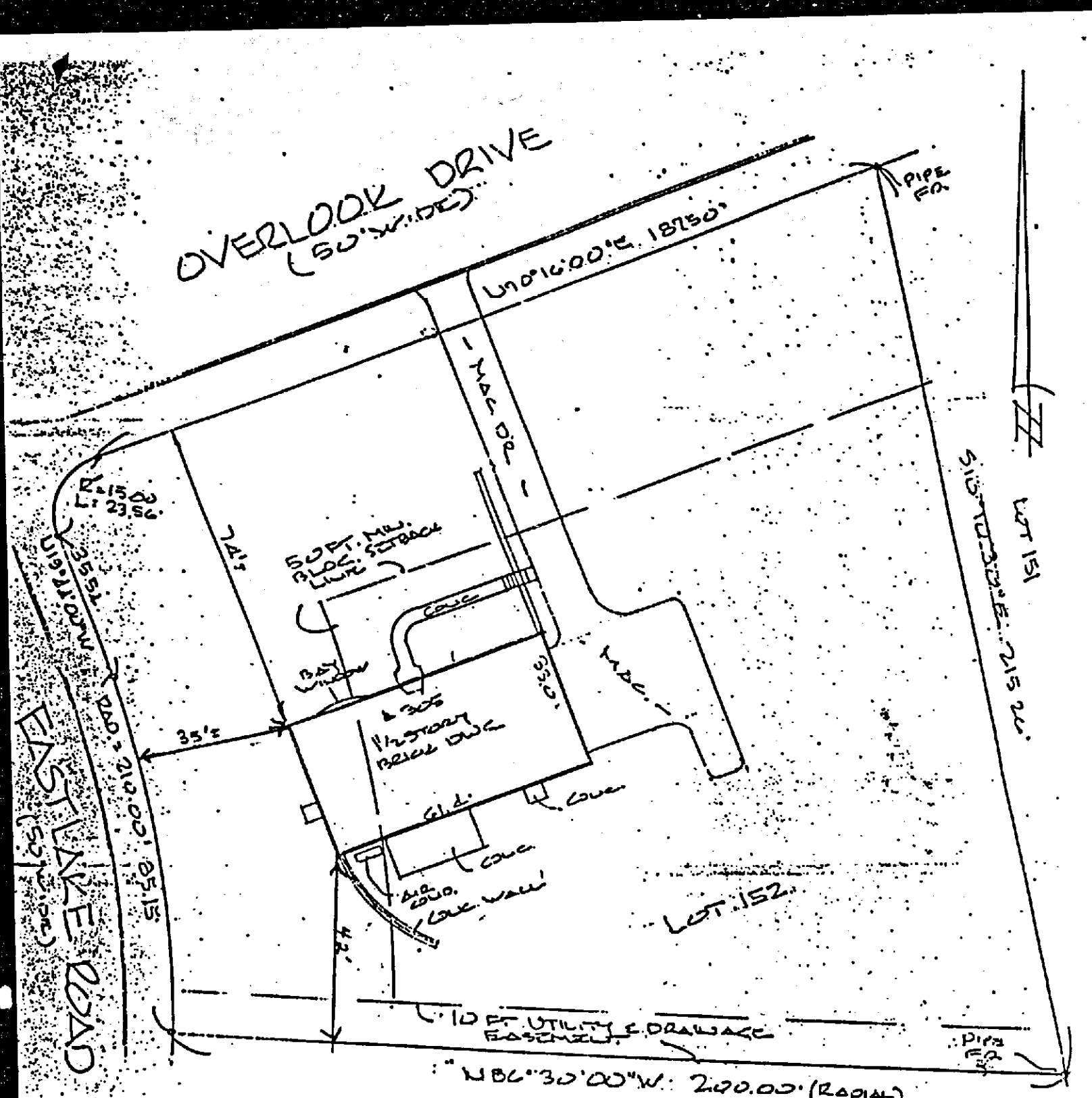
ROBERT T. O'LEARY Notary Public for the State of Maryland, City of Baltimore, TO WIT:

I HEREBY CERTIFY, That on this 27th day of February, 1968, before me, the subscriber, a Notary Public of the State of Maryland, in and for the place aforesaid, personally appeared, JAMES W. LEYKO Vice President of The Maryland Title Guarantee Company, the within named Grantor and he acknowledged the foregoing deed to be the act of said body corporate.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix my Notarial Seal.

ROBERT T. O'LEARY Notary Public-my commission expires July 1, 1969

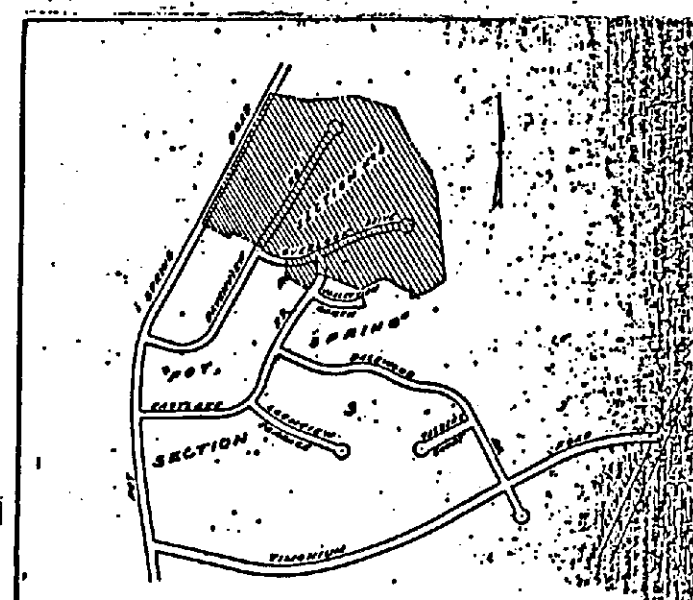
Filed for record FEB 26 1968 2:20 P.
By: T. Gonnell, Clerk
Mail to: M. H. Harrison
Receipt No. 171548 9.50



PETITIONER'S EXHIBIT 2

Plat for A Zoning Variance
Owner: Kirvan H. Pierson
Zoning: DR-1
Lot size: 34,513 sq. ft.
8th District
Existing Water in Overlook Dr.
" Sewer in Eastlake Rd.
Scale: 1 in. = 30 ft.

PLAT 152 DESIGNATED AS
LOT 152, SECTION 4,
POT SPRING
PLAT BOOK G.L.B. 25-51



Vicinity Map

89-177-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 14th day of September, 1988.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner: Kirvan H. Pierson, et ux
Petitioner: William E. Hammond and
Attorney: [Signature]

Received by: James E. Dyer
Chairman, Zoning Plans
Advisory Committee

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines
Zoning Commissioner
TO: Zoning Commissioner
Pat Keller, Deputy Director
FROM: Office of Planning and Zoning
SUBJECT: Zoning Petition Nos. 89-178-A (Geiger) and 89-177-A (Pierson)

The Office of Planning and Zoning has no comment on the above listed projects.

PK/st

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3554

October 11, 1988

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204

RECEIVED ZONING OFFICE
DATE: 10/14/88

Dear Mr. Haines:
The Bureau of Traffic Engineering has no comments for items number 65, 67, 86, 87, 89, 90, 91 & 92.

Very truly yours,
Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF:lab

Baltimore County
Fire Department
Towson, Maryland 21204-2386
494-4500

Paul H. Reinke
Chief

September 12, 1988

J. Robert Haines, Zoning Commissioner
Office of Planning & Zoning
Baltimore County Office Building
Towson, Maryland 21204

Re: Property Owner: Kirvan H. Pierson, et ux
Location: SE/c Overlook Dr. and Eastlake Dr.
305 Overlook Drive
Item No.: 65 Zoning Agenda: Meeting of 9/13/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of 100 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWED: [Signature] NOTED & APPROVED: [Signature]
Planning Group Fire Prevention Bureau
Special Inspection Division

/j1

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 28, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

William E. Hammond and
Gregory E. Hammond, Esquire
Turnbull, Mix and Farmer
706 Washington Avenue
Towson, Maryland 21204

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

RE: Item No. 65 - Case No. 89-177-A
Petitioner: Kirvan H. Pierson, et ux
Petition for Zoning Variance and

Dear Sirs:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:dt